

## REMARKS

### **Status**

This Amendment is responsive to the Final Office Action dated February 7, 2006, in which Claims 1, 2, 4-7, 9-12, and 27 were rejected. Claim 6 have been amended, and new Claims 30-36 have been added. Accordingly, Claims 1, 2, 4-7, 9-12, 27, and 29-36 are pending in the application, and are presented for reconsideration and allowance.

### **Claim Rejection - 35 U.S.C. § 112**

Claim 6 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have replaced the “and the like” language of Claim 6 with “and the corresponding” so make the claim clear and ascertainable. Accordingly, Applicants believe that amended Claim 6 meets the requirements of 35 U.S.C. § 112, second paragraph, and is in condition for allowance.

### **Claim Rejections - 35 U.S.C. § 102**

Claims 1, 6-7, 9-12, 27 and 29, are rejected under 35 U.S.C. § 102(e) as being disclosed by U.S. Publication No. 2003-0191682 A1 to Shepard et al. (hereinafter, *Shepard*). This rejection is respectfully traversed.

Applicants’ Claim 1 relates to an image file for storing a digital image and information related to the digital image, having digital image data and a user identifier. The image file also has affective information that relates to the feelings or emotions of the user identified by the user identifier toward the digital image stored in the image file. The affective information also includes a quantitative that which is an importance rating of the digital image.

*Shepard* relates to a computer-implemented positioning system for perception management, where the system provides a technique for collecting and analyzing information that may be used to create an image or perception for a product or company. For example, a company wanting to create a particular image of being “fun and exciting” can use the positioning system for collecting information about what users think is “fun and exciting.”

Although FIGS. 1 and 12 of *Shepard*, as well as paragraph [0116], indicate that the visual representations are stored in a database, Applicants respectfully submit that there is no teaching, motivation, or suggestion that information collected from individuals regarding their ranking or perception of visual representations (i.e., images) are stored in the same image file as the visual representation.

In Applicants invention, the personal affective tags that are stored in the image file along with the image itself are used to retrieve or print images. Applicants submit that there is no motivation for *Shepard* to include the collected information along with the visual representations in the same image file. The positioning system of *Shepard* is used to analyze information to create a particular perception for a product or company. Even though individuals provide ranking information for particular visual representations, there is no need for *Shepard* to associate this information with the images themselves in the same image file, as the individuals performing the ranking will not have any need to retrieve *any* of these images based on this ranking information. Clearly, *Shepard* provides no motivation, teaching, or suggestion of Applicants' claimed invention.

Accordingly, for at least the above-described reasons, Applicants submit that Claim 1 is in condition for allowance. Applicants further submit that Claims 2, 4-7, 9-12, and 27 which depend from Claim 1 and include all of the features thereof, are allowable for the same reasons that Claim 1 is allowable.

Applicants independent Claim 29 relates to a collection of image files, where each stores a different digital image and information related to such digital images. Each image file includes digital image data, a user identifier, and affective information which relates to the feelings or emotions of the user identified by the user identifier toward the digital image stored in the image file. The affective information includes a quantitative value which is an importance rating of the digital image. For at least the reasons discussed above in connection with Claim 1, Applicants submit that Claim 29 is allowable.

Applicants have added new Claims 30-36. In Applicants' Claim 30, the image file is a JPEG 2000 image file, and, in Claim 31, the image file is a TIFF image file. For Claim 32, the image file is a EXIF image file. For new Claim 33, which depends from Claim 32, the the affective information is stored

using a TIFF IFD. In new Claim 34, which depends from Claim 33, the TIFF IFD also stores the user identifier. Applicants' Claim 35 features the user identifier having a personal identification code. New Claim 36, which depends from Claim 35, the personal identification code is a globally unique ID. Applicants submit that Claims 30-36, which ultimately depend from Claim 29, are allowable for at least the same reasons that Claim 29 is allowable.

### **Claim Rejection - 35 U.S.C § 103**

Claims 2 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shepard* as applied to Claim 1 above, and further in view of U.S. Publication No. 2001/0041021 A1 to *Boyle et al.* (hereinafter *Boyle*). This rejection is respectfully traversed. Applicants submit that Claims 2 and 5, which depend from Claim 1, are allowable for at least the same above-discussed reasons that Claim 1 is allowable.

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Shepard* as applied to Claim 1 above, and further in view of U.S. Patent No. 6,222,607 B1 to *Szajewski et al.* (hereinafter, *Szajewski*). Applicants submit that Claim 4, which depends from Claim 1, are allowable for at least the same above-discussed reasons that Claim 1 is allowable.

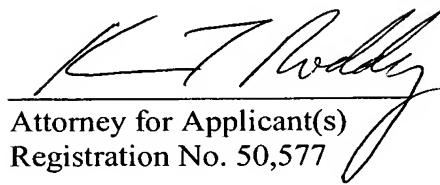
### **Summary**

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.